



March 16, 2007

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## ENGROSSED HOUSE BILL No. 1033

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DIGEST OF HB 1033 (Updated March 14, 2007 3:40 pm - DI 110)

**Citations Affected:** IC 16-41; IC 25-23.7; IC 34-30.

**Synopsis:** Weather radios in manufactured homes. Requires that a manufactured home that is installed in a mobile home community be equipped with a weather radio. Provides that a mobile home operator is encouraged to provide a written reminder to the manufactured home owners in the mobile home community to replace batteries in a weather radio or smoke detector contained in the manufactured home. Provides certain immunity from civil liability concerning the functionality of weather radios supplied by manufactured home installers.

**Effective:** July 1, 2007.

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### Hoy, Pierce, Welch

(SENATE SPONSOR — BECKER)

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January 8, 2007, read first time and referred to Committee on Technology, Research and Development.

February 15, 2007, amended, reported — Do Pass.

February 19, 2007, read second time, amended, ordered engrossed.

February 20, 2007, engrossed. Read third time, passed. Yeas 81, nays 10.

#### SENATE ACTION

February 27, 2007, read first time and referred to Committee on Commerce, Public Policy and Interstate Cooperation.

March 15, 2007, amended, reported favorably — Do Pass.

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EH 1033—LS 6022/DI 103+



March 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1033

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-41-27-16.6 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2007]: **Sec. 16.6. (a) Each year during**  
4 **National Fire Prevention Week, the operator of a mobile home**  
5 **community is encouraged to provide a written reminder to the**  
6 **owners of all manufactured homes in the mobile home community**  
7 **to replace the batteries in all weather radios and smoke detectors**  
8 **contained in their manufactured homes.**

9       **(b) Any reminder, assistance, or instructions provided by an**  
10 **operator of a mobile home community concerning the function of**  
11 **a weather radio or smoke detector contained in a manufactured**  
12 **home shall not subject the operator or an owner or employee of the**  
13 **mobile home community to liability for the functionality of that**  
14 **weather radio or smoke detector.**

15       SECTION 2. IC 25-23.7-8-6 IS ADDED TO THE INDIANA CODE  
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2007]: **Sec. 6. (a) This section applies to a person that installs a**

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1 manufactured home in a mobile home community after June 30,  
2 2007.

3 (b) A person shall supply a weather radio inside each  
4 manufactured home that the person installs. The weather radio  
5 must be equipped with the following features:

6 (1) Tone alarm activation.

7 (2) Specific alert message encoding, or SAME, technology.

8 (3) Public alert standard (CEA-2009) certification.

9 (c) The supplying of a weather radio by a person who installs a  
10 manufactured home as required by this section does not subject the  
11 person to liability for the functionality of that weather radio.

12 SECTION 3. IC 34-30-2-83.2 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2007]: **Sec. 83.2. IC 16-14-27-16.6**  
15 **(Concerning an operator, an owner, or an employee of a mobile**  
16 **home community for the operator providing a reminder,**  
17 **assistance, or instructions concerning the function of a weather**  
18 **radio contained in a manufactured home).**

19 SECTION 4. IC 34-30-2-99.6 IS ADDED TO THE INDIANA  
20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2007]: **Sec. 99.6. IC 25-23.7-8-6 (Concerning**  
22 **the functionality of weather radios supplied by manufactured home**  
23 **installers).**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1033, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-41-27-16.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16.6. (a) Each year during National Fire Prevention Week, the operator of a mobile home community is encouraged to provide a written reminder to the owners of all manufactured homes in the mobile home community to replace the batteries in all weather radios contained in their manufactured homes.**

**(b) Any reminder, assistance, or instructions provided by an operator of a mobile home community concerning the function of a weather radio contained in a manufactured home shall not subject the operator to liability for the functionality of that weather radio."**

Page 1, line 3, after "to" insert "**a person that installs**".

Page 1, line 3, delete "mobile" and insert "**manufactured**".

Page 1, line 3, delete "that is".

Page 1, line 4, delete "installed".

Page 1, delete lines 5 through 12, begin a new paragraph and insert:

**"(b) A person shall permanently affix a weather radio in a prominent location inside each manufactured home that the person installs. The weather radio must be equipped with the following features:**

**(1) Tone alarm activation.**

**(2) Specific alert message encoding, or SAME, technology.**

**(3) Public alert standard (CEA-2009) certification."**

Page 1, after line 12, begin a new paragraph and insert:

"SECTION 3. IC 34-30-2-83.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 83.2. IC 16-14-27-16.6 (Concerning an operator of a mobile home community providing a reminder, assistance, or instructions concerning the function of**

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**a weather radio contained in a manufactured home.)".**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1033 as introduced.)

RESKE, Chair

Committee Vote: yeas 11, nays 0.

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#### HOUSE MOTION

Mr. Speaker: I move that House Bill 1033 be amended to read as follows:

Page 1, line 7, after "radio" insert **"and smoke detectors"**.

Page 1, line 11, after "radio" insert **"or smoke detector"**.

Page 1, line 13, after "radio" insert **"or smoke detector"**.

(Reference is to HB 1033 as printed February 16, 2007.)

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred House Bill No. 1033, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, after "operator" insert **"or an owner or employee of the mobile home community"**.

Page 2, line 2, delete "permanently affix" and insert **"supply"**.

Page 2, line 2, delete "in a".

Page 2, line 3, delete "prominent location".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

**"(c) The supplying of a weather radio by a person who installs a manufactured home as required by this section does not subject the person to liability for the functionality of that weather radio."**

Page 2, line 12, after "operator" insert **", an owner, or an employee"**.

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Page 2, line 12, after "community" insert "**for the operator**".

Page 2, line 14, delete "home.)" and insert "**home).**".

Page 2, after line 14, begin a new paragraph and insert:

"SECTION 4. IC 34-30-2-99.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 99.6. IC 25-23.7-8-6 (Concerning the functionality of weather radios supplied by manufactured home installers).**".

and when so amended that said bill do pass.

(Reference is to HB 1033 as reprinted February 20, 2007.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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